

1 BILL NO. Z-87-10-05

2 ZONING MAP ORDINANCE NO. Z-Losh

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-18.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-B (Limited Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 Lot "A" in Oak Knoll Addition to the City of Fort
12 Wayne, according to the plat thereof recorded in Plat
13 Record 4, page 70 in the Office of the Allen County
14 Recorder, except the following: Beginning at the
15 Northwest corner of said lot: thence North 88 degrees
16 32 minutes 00 seconds East 12.52 feet along the North
17 line of said lot, thence South 1 degree 40 minutes 00
18 seconds West 100.16 feet to the South line of said lot;
19 thence South 89 degrees 15 minutes 00 seconds West
20 12.51 feet along said South line to the Southwest
21 corner of said lot; thence North 1 degree 40 minutes 00
22 seconds East 100.00 feet along the West line of said
23 lot to the point of beginning and containing 1,251
24 square feet, more or less (known as 2704 North Clinton
25 Street)

26 and the symbols of the City of Fort Wayne Zoning Map No.
27 M-18, as established by Section 11 of Chapter 33 of the Code
28 of the City of Fort Wayne, Indiana are hereby changed
29 accordingly.

30 SECTION 2. That this Ordinance shall be in full force
31 and effect from and after its passage and approval by the
32 Mayor.

33 Janet M. Bradbury
Councilmember

34 APPROVED AS TO FORM AND LEGALITY:

35 Bruce O. Boxberger
36 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on _____, the _____ day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,
seconded by Stier, and duly adopted, placed on its
passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____
<u>LONG</u>	_____	<u>✓</u>	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____

DATED: 3-22-88

S. E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19_____,

ATTEST

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury
seconded by Ed, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 10-13-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Ed, and duly adopted, placed on final
passage. **PASSED** (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>Long</u> <u>ETSBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 3-22-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 2730

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

100

DOLLARS

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Sharon Butler

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an B-1-B District the property described as follows: for ladies specialty shop.

Lot "A" in Oak Knoll Addition to the City of Fort Wayne, according

to the plat thereof recorded in Plat Record 4, page 70 in the

Office of the Allen County Recorder, except the following:

Beginning at the Northwest corner of said lot: thence North 88

degrees 32 minutes 00 seconds East 12.52 feet along the North line

of said lot, thence South 1 degree 40 minutes 00 seconds West 100.16

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2704 North Clinton Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Sharon Butler

2704 North Clinton Street

Sharon Butler

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Edward Moppert

1212 Anthony Wayne Bank Bldg. 423-3331

(Name)

(Address & Zip Code)

(Telephone Number)

Fort Wayne, Indiana 46802

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

feet to the South line of said lot; thence South 89 degrees 15 minutes 00 seconds West 12.51 feet along said South line to the Southwest corner of said lot; thence North 1 degree 40 minutes 00 seconds East 100.00 feet along the West line of said lot to the point of beginning and containing 1,251 square feet, more or less (known as 2704 North Clinton Street)

Owners of Property

Sharon Butler	2704 North Clinton Street	<i>Sharon Butler</i>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 13, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-10-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 19, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

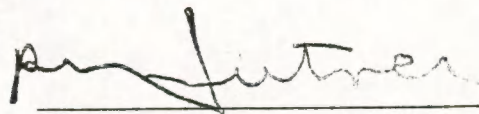
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this
4th day of March 1988.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

2704 No Clinton Street

3-8740-05

EFFECT OF PASSAGE _____

Property is presently zoned R-2 - Two Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE _____

Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____)

FACT SHEET

Z-87-10-05

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment
From R-2 to B-1-B

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2704 No Clinton Street

Reason for Project

Ladies Specialty Dress Shop

Discussion (Including relationship to other Council actions)19 October 1987 - Public Hearing

See Attached Minutes of Meeting

26 October 1987 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council with
a DO NOT PASS recommendation. Motion
carried.

Of the eight (8) members present seven (7)
voted in favor of the motion one (1) did
not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Sharon Butler

City Department

Other

Opponents

Groups or Individuals

Bill Hinga
Debra & David Pontius**Basis of Opposition**

-add to heavy traffic in area
-enough business zoning in
area this request unnecessary

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-approval would establish pre-
cedent in area - would severe
impact traffic in this area

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 2 September 1987

Projected Completion or Occupancy

Date 8 March 1988

Fact Sheet Prepared by

Date 8 March 1988

Patricia Biancaniello

Reviewed by

Date 3/11/88

Greg Baets
Reference or Case Number

- a. Bill No. Z-87-10-05 - Change of Zone #304
From R-2 to B-1-B
2704 No Clinton Street

Ed Moppert, attorney representing Sharon Butler the owner of 2704 North Clinton Street appeared before the Commission. Mr. Moppert stated that Ms. Butler wants to open a "quality dress shop" in this structure. He stated that they feel this location is an ideal location for this use. He stated that Ms. Butler would never have more than one or two people visit the business a day. He stated that they have space for parking south of the building. He stated there is a separate drive into this property. He stated that this separate drive is to the south of a shared circle drive. He stated that it would not interfere with the circle traffic. He stated they would request limited signage, it would be attached to an awning extended from the front entrance and would say "The Final Touch". He stated that they would not change the outside of the residence in any detail. He stated that Ms. Butler lives there now and will continue to live there on the second floor. He stated that they have a B-1-B to the south which they use for tire storage. He stated they have an R-

2 on the north which is occupied by boys between 12 and 18 in a mental health group home. He stated that to allay fears they would be willing to record a restrictive covenant which can be acted upon by any lot owner in the subdivision, limiting the use to a dress shop and the appropriate ancillary uses. He stated that in addition to that Ms. Butler has agreed that is she or her heirs or assigns ever sells the property it will revert back to an R-2 use. He stated that this was an ideal buffer.

Steve Smith questioned if Mr. Moppert might pursue a Use Variance through the BZA.

Mr. Moppert stated that they would not be able to prove hardship.

Sharon Butler owner and petitioner stated that this structure will be her primary residence. She stated that she does have son and stated she soon will have step children and stated she was very interested in that neighborhood and maintaining the residential character of the area. She stated that she also intends to have a quality dress shop on the property. She stated a lot of her business will consist of her going to the career woman at her office. She stated that people will be coming to her home but it will not be a high volume operation.

Betty Kahlenbeck, 325 Grove Street, stated that North Clinton circle comes into my street. She stated she was about 4 houses from this property. She stated that she is the realtor that listed the house and when it sold it was R-2 and could have been used as a duplex. She stated that a lot of people looked at the house for a number of different reasons and she was very pleased that it was sold to someone like Ms. Butler who wants to do something quality with it. She stated it was a fraternity house and she found that a lot more objectionable than what Ms. Butler wants to do with the property. She stated that they already have a lot of commercial use in the area Tom Steele Tire Store sits right next to this property. She stated one resident works on cars while there is a Pod house that was recently built and is used for offices. She stated that what Sharon Butler is going to do will not change the complexion of the area.

The following people spoke in opposition to the rezoning request.

Bill Hinga, 2740 Eastbrook
David Pontius, 2724 No Clinton Street
Debra Pontius, 2724 No Clinton Street

The opposition stated that North Clinton is already a very busy

street and that anymore business will only add to the serious traffic problem. They did not feel that Ms. Butler could promise to contain her business to simply one or two customers. They felt that if the business caught on it would definitely draw more than one or two customers a day. There was also concern stated by David & Debra Pontius, who live in one of the 4 houses that are on the same circle drive as Ms. Butler house as to the safety of the children in this area. It was stated that they play in this circle drive and that business traffic could only cause a hazard. It was also felt that there were plenty of areas already zoned for business in the immediate area.

Mr. Moppert in rebuttal stated that they do not intend to change anything with respect to the exterior of the home. He stated that the circle drive that they refer to is difficult to get around and there would be no reason for people to use the circle as ingress or egress. He stated that they would use the separate drive on the south side of the home.

Janet Bradbury questioned if the private drive goes through from Clinton to Spy Run.

Mr. Moppert stated that the circle driveway goes from Clinton to Grove.

Sharon Butler stated that the driveway that runs to the south of her home also comes in where the circle drive comes in so that the drive is a double lane down by Clinton Street. She stated that she would bring them up the drive and there would be two maybe three parking spaces right there and they would exit out that way. She stated that they will not be able to get off of her parking lot and onto the circle drive. She stated that she intends to close the drive off. Ms. Butler stated that she has a 4, 7 and a 15 year old child and she is just as concerned about the children's safety in the area as everyone else is. She stated that the price of her clothes will prohibit just anyone from buying them.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-87-10-05

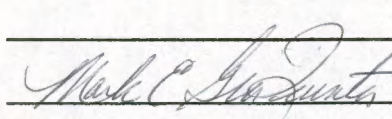
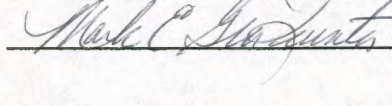

REPORT OF THE COMMITTEE ON REGULATIONS

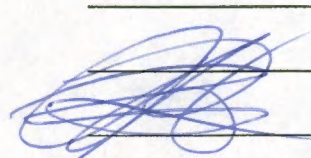

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
City of Fort Wayne Zoning Map No. M-18

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

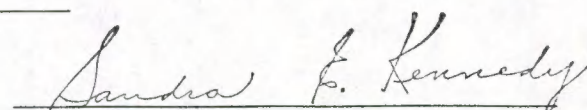
YES

NO

 JANET G. BRADBURY
CHAIRPERSON
 MARK E. GIAQUINTA
VICE CHAIRMAN
 CHARLES B. REDD

 DAVID C. LONG
 PAUL M. BURNS

CONCURRED IN 3-22-88


Sandra E. Kennedy
City Clerk

